

Docket No.: 02-44 US**REMARKS**

Originally filed claims were reduced in number and amended prior to examination and claims 1- 13 as presented for examination were rejected by Office Action mailed June 4, 2007.

The Examiner objected to dependent claims 8-13 and the dependency linkages of these claims are here corrected.

REJECTION per 35 U.S.C. 102(b)

The Examiner cites Baba, et al, of record, for anticipation of claim 1. As here amended, the limitations of claim 2, incorporated into claim 1, distinguish over Baba, et al, by specific structure for introduction and removal of the fluid flow into and out of the optical path. That is, the gallery structure of gaskets between the intermediate body member and the respective body members serves not only the sealing function, but also provides the means for introducing the fluid flow along the optical path.

REJECTION per 35 U.S.C. 103(a)

Claim 2-7 are here rejected on the basis of Baba, et al, in view of Saito, et al, of record. The analysis of this combination is best summarized with the observation that fluid flow in the Saito reference is orthogonal to the optical path, whereas fluid flow in the Baba reference is along the optical path. The design engineering of the two arrangements (apart from the substantive difference between the types of instrumental observations) is quite distinct. Even if the Saito reference is relied upon for the proposition that gaskets are known for use in sealing the composite body together, the major role of the gaskets in the present work (to provide a means for introducing fluid flow along the optical path) have no suggestion or counterpart in Saito or Baba. Note the communication of the galleries 150 and 152 with the holes 156 and 160, in turn communicating with fluid path 118. There is no equivalent structure in Saito because that reference places the optical path and fluid flow path in a perpendicular relationship. Accordingly, the combination should be withdrawn.

Newly Submitted Method Claims

Claims 14-15 provide a clean and clear exposition of this work as described at P.10, lines 24- P.11, line 11 which (referring to fig.2a) describes how

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"A passage is thereby provided for the flow of liquid between liquid port 254 and liquid port 280"

while providing optical paths A-A' and D-D' through corresponding portions of the same flowing liquid through the galleries 250 and 252. The utility of this arrangement is described at P.11, lines 13-17 as providing for "separate spectrophotometric measurements". Note that this second optical path is not to be confused with a separate optical reference beam path. By changes in the respective dimensions of the separate flow paths along optical paths A-A' and D-D' provide ability to concurrently acquire data of different resolution through the choice of relative optical/flow path lengths.

No new matter is introduced by these claims.

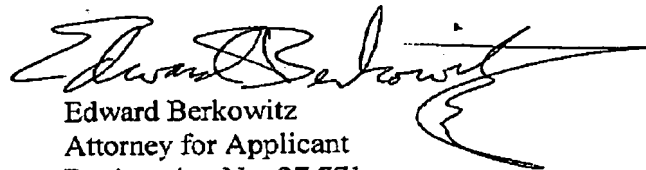
CONCLUSION

Amendment to the claims has been proposed to meet the objections and rejections of record. Reconsideration and re-examination is respectfully requested. Entry of method claims is requested to afford Applicant the scope of coverage to which he is entitled.

Respectfully submitted,

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Varian, Inc.
Legal Department
3120 Hansen Way, M/S D-102
Palo Alto, CA 94304
(650) 424-5086
ed.berkowitz@varianinc.com


Edward Berkowitz
Attorney for Applicant
Registration No. 27,771